

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zachary Herman	Team: Squad #15	CCRB Case #: 201805246	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 06/29/2018 1:15 PM	Location of Incident: Inside of the 84th Precinct Stationhouse	Precinct: 84	18 Mo. SOL 12/29/2019	EO SOL 12/29/2019	
Date/Time CV Reported Fri, 06/29/2018 6:55 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 06/29/2018 6:55 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Mark Holder	6724	930360	084 DET
2. POF Lauren Jones	25303	948228	084 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. CPT Tyrice Miller	00000	900109	084 PCT
2. CPT Timothy Harrington	00000	917095	DBBKZ14
3. POM Dennis Ferrer	02919	921334	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Lauren Jones	Abuse: Police Officer Lauren Jones detained § 87(2)(b)	
B.DT3 Mark Holder	Abuse: Detective Mark Holder detained § 87(2)(b)	

## Case Summary

On June 29, 2018, this case was filed with the CCRB via the call processing system.

On June 29, 2018, § 87(2)(b) traveled to the 84<sup>th</sup> Precinct Stationhouse to file a domestic incident report. Upon arriving at the stationhouse, he observed § 87(2)(b) at the telephone/switchboard desk. § 87(2)(b) is an individual with whom § 87(2)(b) had a previous relationship. § 87(2)(b) and § 87(2)(b) have orders of protection against each other. Within a few minutes of § 87(2)(b) arriving, § 87(2)(b) was brought to the second floor of the stationhouse. § 87(2)(b) was directed to the waiting area. Approximately fifteen minutes later, a male officer came downstairs and directed § 87(2)(b) to wait. § 87(2)(b) went outside to smoke a cigarette. While outside, § 87(2)(b) exited the stationhouse in the company of the officer who had directed § 87(2)(b) to wait. While outside the stationhouse, § 87(2)(b) stated to the officer “that’s him,” then left the area. § 87(2)(b) then re-entered the stationhouse.

At around 1:45pm, Detective Mark Holder of the 84<sup>th</sup> Precinct Detective Squad came downstairs. He approached § 87(2)(b) and asked him if his name was § 87(2)(b). § 87(2)(b) confirmed that it was. Det. Holder then informed § 87(2)(b) he was under arrest for § 87(2)(b). § 87(2)(b) then requested to place phone calls, which he made, to his father, and an attorney. § 87(2)(b) was then placed in a holding cell. At approximately 3:15pm, Captain Michael Harrington of the Brooklyn Detective Bureau, Zone 14, informed § 87(2)(b) that he was going to be released. At approximately 3:45pm, § 87(2)(b) was released from the holding cell (**Allegations A and B: Abuse of authority, § 87(2)(g)**). On June 30, 2018, § 87(2)(b) filed a DIR at the stationhouse.

## Findings and Recommendations

### **Allegation (A) Abuse of Authority: Police Officer Lauren Jones detained § 87(2)(b)**

### **Allegation (B) Abuse of Authority: Detective Mark Holder detained § 87(2)(b)**

§ 87(2)(b) stated that when he traveled to the 84<sup>th</sup> Precinct Stationhouse, he observed § 87(2)(b) present at the stationhouse when he arrived. After being in the stationhouse for approximately thirty minutes, § 87(2)(b) stated he was arrested by Detective Mark Holder. Det. Holder explained to § 87(2)(b) upon § 87(2)(b) request that he was being arrested for violating § 87(2)(b) order of protection against him. After approximately two hours, § 87(2)(b) was released, without being issued any summonses or any other documentation (BR01).

PO Lauren Jones testified that at approximately 1:15pm, § 87(2)(b) showed her a valid order of protection against § 87(2)(b). The order of protection specified third-party contact was prohibited. § 87(2)(b) also showed PO Jones emails sent to her attorney by § 87(2)(b). These emails contained communications directed towards § 87(2)(b) by § 87(2)(b). At 1:52pm, § 87(2)(b) identified § 87(2)(b) via photograph. PO Jones determined that § 87(2)(b) was in violation of § 87(2)(b) order of protection, and therefore she had probable cause to arrest § 87(2)(b) for this violation. PO Jones was on restricted duty at the time. At 2:20pm, she requested

Det. Holder physically placed § 87(2)(b) in handcuffs, and she created the arrest report for § 87(2)(b). At 2:30pm, Det. Holder informed PO Jones that § 87(2)(b) was acting as his own attorney, and that his arrest had to be voided. PO Jones then voided § 87(2)(b) arrest. PO Jones did not physically interact with § 87(2)(b) on the day of the incident (BR02).

Det. Mark Holder testified that PO Jones informed him of the situation regarding § 87(2)(b) and § 87(2)(b). PO Jones showed Det. Holder § 87(2)(b) order of protection, and the emails sent by § 87(2)(b) to § 87(2)(b) attorney. Det. Holder was not aware that § 87(2)(b) was acting as his own attorney at the time he was shown the order of protection and the emails. Det. Holder informed PO Jones that based on the order of protection and the nature of the communication in the emails sent by § 87(2)(b) to § 87(2)(b) attorney, PO Jones had probable cause to arrest § 87(2)(b). Det. Holder proceeded downstairs and placed § 87(2)(b) in handcuffs. § 87(2)(b) requested to make two phone calls, which Det. Holder allowed him to do.

Approximately fifteen minutes after § 87(2)(b) was arrested, Det. Holder received a call from his zone captain, Captain Harrington. Captain Harrington informed Det. Holder that § 87(2)(b) was acting as his own attorney, and that his arrest had to be voided. Det. Holder then informed PO Jones of this information. After approximately one hour of being detained, § 87(2)(b) was released from police custody (BR03).

It is a violation of New York State Penal Code 215.50 to violate an order of protection (BR06). According to Patrol Guide Procedure 208-36 Section 7, if an offender is present and there is probable cause for an officer to believe that an order of protection has been violated, officers are to arrest the offender (BR07).

§ 87(2)(g)

[REDACTED]

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been a party to two CCRB complaints and has been named as a victim in zero additional allegations. (BR05).

- PO Lauren Jones has been a member of service for nine years and has been a subject in three CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)
- Det. Mark Holder has been a member of service for sixteen years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)

### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 15

Investigator:	_____	<u>Investigator Zachary Herman</u>	_____
	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date